

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 1348/2006
(Amar Chand Vs. State of Rajasthan & Anr.)

Date of Order : 13/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. G.J.Gupta for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 22.9.2006 passed by Additional Sessions Judge No.2, Sri Ganganagar (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 10.5.2006 passed by Judicial Magistrate, Ist Class, Sadul Shahr (for short 'the trial court' hereinafter) was dismissed.

I have heard learned counsel for the petitioner and public prosecutor. Carefully gone through the orders passed by both the courts below.

It is contended by learned counsel for the petitioner that earlier also, the non-petitioner No.2, who is mother of the

petitioner and alleged to be of 95 years of age, filed a petition for maintenance which was compromised by order dated 16.4.2004 and by compromise the petition was disposed of. Learned counsel submits that the petitioner has paid a sum of Rs. 70,000/- to the non-petitioner No.2, yet the non-petitioner No.2 has again filed petition.

On careful perusal of the orders impugned, it appears that by the orders impugned, monthly allowance of interim maintenance has been granted. Whether the petitioner has paid one time maintenance or not that has to be decided when the parties lead evidence before the trial court. Keeping in view the fact that it is an interim arrangement and has not been decided on the evidence which are yet to be led by the parties, in my view, a lady of 95 years of age at least need a reasonable maintenance from her son, the present petitioner.

In the circumstances, therefore, no case for interference is made out. The petition is therefore, dismissed. The trial court shall expedite and decide the main petition filed by non-petitioner No.2 preferably within six months from the date of receipt of copy of this order.

(H.R.PANWAR),J.